

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

VS.

NO.: 3:21-CR-107-NBB-RP

JAMARR SMITH, et al.

**DEFENDANT, JAMARR SMITH'S, APPLICATION FOR
ISSUANCE OF SUBPOENA DUCES TECUM**

COMES NOW, the Defendant, Jamarr Smith, by and through the undersigned counsel, and pursuant to F.R.C.P. 17(b) and 17(c), and respectfully moves the Court for an order directing the clerk's office to issue a subpoena duces tecum for:

Google
c/o Corporation Service Company
109 Executive Drive; Ste. 3
Madison, MS 39110

to produce the requested documents in the Subpoena Duces Tecum attached hereto as Exhibit "A" to Hickman, Goza & Spragins, PLLC, P.O. Box 668 / 1305 Madison Avenue, Oxford, Mississippi, 38655 on or before May 22, 2022 at 12:00 p.m.

In support of this application, Jamarr Smith sets forth that Google and/or its agent, is in possession of documents necessary for determining how he should proceed in this case.

Pursuant to the requirements of Federal Rule of Criminal Procedure 17, in support of this application, the defendant sets forth that the records are needed to aid Jamarr Smith for investigative purposes in preparation for pretrial motions and trial. The defendant represents that the requested documents are evidentiary and relevant, that they are not otherwise procurable reasonably in advance of the trial by exercise of due diligence; that the defendant cannot properly defend himself in this action without such production and inspection in advance of the

trial and the failure to obtain advance inspection of these records may tend unreasonably to delay the proceedings; and, that the request for these records is made in good faith and is not intended as a general fishing expedition. *See United States v. Nixon*, 418 U.S. 683, 699-700 (1974).

The defendant further represents that his request is relevant and the documents requested are both admissible and specific in nature. These documents are admissible under Fed. R. Evid. Rule 803(6) and 902(11) in that they are records kept in the ordinary course of business. The request is specific in nature in that it requests records for specific information during a specific time frame.

The defendant represents that he is in the same financial condition as when counsel was appointed to represent him in this matter, and he remains unable to pay any fees related to the production of the documents, and that the production of the requested documents is necessary to his defense.

WHEREFORE, the defendant requests that this Court order Google and/or its agent, to produce the requested records to Hickman, Goza & Spragins, PLLC, P.O. Box 668 / 1305 Madison Avenue, Oxford, Mississippi, 38655 on or before May 22, 2022 at 12:00 p.m., and for the defendant be allowed to use the documents for use in his case in chief.

DATED: May 3, 2022.

RESPECTFULLY SUBMITTED,

JAMARR SMITH

HICKMAN, GOZA & SPRAGINS, PLLC
Attorneys at Law
Post Office Drawer 668
Oxford, MS 38655-0668
(662) 234-4000 telephone
(662) 234-2000 facsimile
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BY: /s/ Goodloe T. Lewis
GOODLOE T. LEWIS, MSB # 9889

CERTIFICATE OF SERVICE

I, GOODLOE T. LEWIS, attorney for JAMARR SMITH, do hereby certify that I have on this date electronically filed the foregoing document with the Clerk of Court using the ECF system which sent notification of such filing to all counsel of record, including:

Robert Mims
Office of the US Attorney
900 Jefferson Avenue
Oxford, MS 38655
rmims@usadoj.gov

DATED: May 3, 2022.

/s/ Goodloe T. Lewis
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